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# State of South Carolina State Ethics Commission

## NEWSLETTER

January 1982

No. 82-002

### STATEMENT OF ECONOMIC INTERESTS FORMS MAILED DIRECT

The State Ethics Commission has recently mailed the 1982 Statement of Economic Interests forms to the home address of each person who is reported to be required to file. The forms were mailed to all elected officials, the chief administrators, chief finance officials and chief purchasing officials of all political subdivisions, the school board members and superintendents, regardless of whether elected or appointed, and the deputy administrators of state agencies. In addition, salaried members of state boards and commissions were also provided with the forms. The forms are to be filed prior to April 15, 1982.

Persons who become candidates will receive copies of the form from the party official or election official responsible for the election. If a Statement of Economic Interests has been previously filed by a candidate during the calendar year, only the general information in items 01-11 and signature are all that is required. If, however, a form has not been filed previously during the calendar year, the form must be completed in its entirety.

If the forms have not been received, please call or write the Commission office.

### COMMISSION HOSTS COUNCIL ON GOVERNMENTAL ETHICS LAWS

On December 6-9, the State Ethics Commission hosted the conference of the Council on Governmental Ethics Laws at the Mills House Hotel in Charleston. Seventy-nine persons representing 47 states and organizations attended the three day conference, "Is Political Reform Dead?" The conference featured a debate on whether political reform laws are necessary and effective or whether they hinder public service.

Luncheon speakers included former Governor Reuben Askew of Florida and Frank Reiche, Vice-Chairman of the Federal Election Commission.

Conference sessions dealt with issues of litigation and legislation in ethics and campaign finance, state ethics statutes and case studies, public financing, and a review of campaign financing in foreign countries. The conference ended with a panel discussion of the impact of political action committees on the governmental process.

The Council intends to publish material from the conference. Anyone desiring a copy may contact the commission office.

### ANNUAL REPORT PUBLISHED

The sixth annual report for fiscal year 1980-81 has recently been published by the State Ethics Commission. The annual report includes a summary of Commission actions during the fiscal year as well as the full text of advisory opinions issued. Information is also provided on the disposition of complaint actions filed during the year.

Copies of the annual report may be obtained by contacting the Commission office.



## FILING REQUIREMENTS FOR CANDIDATES

Candidates for publicly elective office are required by the State Ethics Act to file a Statement of Economic Interests at the time they become a candidate. The forms are made available to the candidate by the party official or election official responsible for the election. The form must be filed at the same time that the declaration of candidacy or petition is filed and any filing fees are paid. If a candidate fails to file the Statement of Economic Interests at the time of filing as a candidate, his name shall not appear on the election ballot.

The Statement of Economic Interests is required to be completed at the time of filing as a candidate, even if a previous form has been filed for the current year. If a form has been previously filed for the current calendar year, only the information in items 01-11, as well as the signature, need to be completed.

Within five days after the deadline for the acceptance of candidacy declarations or petitions, the party official or election official forwards the completed forms to the State Ethics Commission.

Candidates are also required to file a Campaign Disclosure Form within thirty days after each election in which funds are collected or expended. If the candidate discloses the amount of the filing fee, if any, on the Statement of Economic Interests, and has paid for it out of his personal funds, and anticipates no further expenditures or contributions, a Campaign Disclosure Form would not then be required. If contributions are accepted or expenditures made after the filing of the Statement of Economic Interests, a Campaign Disclosure Form will be required within thirty days after the election.

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## FILING REQUIREMENTS FOR COMMITTEES

Any group or organization which solicits or accepts contributions to support a candidate or candidates is required to file a Campaign Disclosure Form within thirty days after the election for which such funds are contributed. State or Local parties or committees which solicit or expend funds in support of candidates are also required to file the Campaign Disclosure Form.

Continuing committees may file year-end reports in off-election years to meet the reporting requirements. In addition, committees organized under Federal statutes may file copies of Federal Election Commission reports provided that all contributions of more than \$100 and all expenditures are itemized.

## COMPENSATION TO INFLUENCE PROHIBITED

§ 8-13-440 of the State Ethics Act prohibits a public official or employee from receiving or soliciting compensation to influence his actions, vote, opinion, or judgement as a public officeholder. In addition the prohibition extends to any person offering or giving such "compensation to influence" a public officeholder.

Compensation to influence is anything which is intended to influence the public official or employee in his official responsibilities. A thing is considered to be compensation to influence the official or employee if it is extravagant in nature, given with any repetitive frequency, or accompanied with a request for a certain action or decision on the part of the public officeholder.

The penalty for a violation of this rule of conduct is established as the same as that for common law bribery, the offeror is subject to imprisonment not exceeding five years, or may receive up to a three thousand dollar fine and imprisonment not exceeding one year. The public official or employee accepting such compensation is subject to forfeiture of office, disqualification from holding public office, imprisonment not exceeding ten years, or by a fine up to five thousand dollars and up to two years imprisonment.

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## PROCEDURE FOR ADVISORY OPINIONS

Any person to whom the State Ethics Act applies or to whom the law appears to apply may request an advisory opinion based on a real or hypothetical set of circumstances. A letter detailing the situation or circumstances surrounding the matter and any supporting documentation, if any, will initiate the opinion process. The Commission staff prepares a draft advisory opinion response based upon the information provided and provides the draft to the full Commission approximately a week to ten days prior to the next scheduled meeting.

At the meeting, the full Commission reviews the opinion request and either approves the opinion draft or requests certain changes. The opinion, if approved as drafted, is provided to the requestor. If changes are necessary, the opinion is either modified and sent to the requestor or, if more extensive changes are made, submitted to the Commission for further review and approval.

An advisory opinion is binding on the Commission concerning the person who requested the opinion unless material facts were omitted or misstated. The opinions are a matter of public record with the full text of each opinion issued during a fiscal year published in the Commission's annual report.



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# DIGEST OF ADVISORY OPINIONS

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SEC 82-008

November 17, 1981

**SUBJECT: MAYOR PROVIDING AIR SERVICE TO CITY OFFICIALS**

The Mayor of North Myrtle Beach may provide air transportation service for city officials to attend meetings in different cities requiring attendance and be reimbursed for the actual cost of gasoline utilized. In addition the Mayor could also provide air transportation service at a rate less than that charged by competitors, provided he takes no part in the award of the contract.

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SEC 82-009

November 17, 1981

**SUBJECT: OFF-DUTY EMPLOYMENT OF  
HIGHWAY DEPARTMENT EMPLOYEE**

A Right of Way Appraiser with the Department of Highways and Public Transportation may engage in off-duty employment with a local Sheriff's Department provided that he utilizes no public materials and equipment, engages in such work on other than normal working hours, such work does not interfere with the needs of the public agency, and his public position is not utilized to obtain or continue such off-duty employment.

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SEC 82-011

November 17, 1981

**SUBJECT: OFF-DUTY EMPLOYMENT OF DRUG INSPECTOR  
AND CONTROLLED SUBSTANCE INSPECTORS**

The Chief Drug Inspector of the Board of Pharmacy may not engage in off-duty employment with a regulated pharmacy since this would involve a continuing conflict with his official responsibilities in violation of § 8-13-450. The drug inspectors of the Department of Health and Environmental Control should not seek outside employment with any business which is regulated by their department.

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## COMMISSION SUBMITS REGULATIONS

At its November 17 meeting, the State Ethics Commission approved new regulations providing for filing of required forms by the county Clerks of Court, defining the reporting requirements for the Statement of Economic Interests and Campaign Disclosure Forms, and providing for informal disposition of complaints. The regulations also provide for public disposition of a dismissed complaint under certain conditions. The Commission also approved regulations providing for the disclosure of blind trusts and post-employment restrictions for procurement officials.

The regulations have been submitted to the Speaker of the House and the Lieutenant Governor for consideration by the General Assembly.

SEC 82-012

November 17, 1981

**SUBJECT: COUNTY EMPLOYEE RUNNING FOR AND  
HOLDING CITY COUNCIL POSITION**

The State Ethics Act does not prohibit a person who is employed by a county agency to run for or hold public elective office. If, however, a matter should require action which would affect the other public position, the person would be required to follow the disclosure and disqualification procedures of § 8-13-460. The effect of the Hatch Act should be referred to the Federal Office of Personnel Management.

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SEC 82-013

November 17, 1981

**SUBJECT: DISCOUNT OFFERED TO POLICE AND FIREMEN**

The State Ethics Commission advised against a procedure allowing a dentist to post an announcement on the city bulletin board offering discounted dental services to police and firemen only. While the law provides some discretion on the offer and acceptance of such gifts, the Commission has advised that the acceptance of gifts by law enforcement officers should be avoided if at all possible, to eliminate even the appearance of impropriety.

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SEC 82-014

November 17, 1981

**SUBJECT: CITY COUNCILMAN- RESTAURANT  
CONDUCTING BUSINESS WITH CITY JAIL**

A restaurant which is managed by a city councilman may provide meals to prisoners in the city jail provided the councilman takes no action or makes no decisions regarding the award of the contract. The Commission advised that the provision of meals could be handled either through an annual contract or a rotation system among restaurants. The Councilman was also advised to report the business transaction on his Statement of Economic Interests.

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## STATEMENTS FILED IN CLERK OF COURT OFFICES

Copies of the Statement of Economic Interests and Campaign Disclosure Forms which are filed with the State Ethics Commission, Senate Ethics Committee, and House Ethics Committee are matters of public record. A copy of the forms is required to be filed by these offices with the Clerk of Court in the county of residence of the person filing the report.

The forms are available for public inspection by visiting the Commission or the committee offices or by visiting the clerk of court office in the county of the filer's residence. Copies of forms filed with the State Ethics Commission may also be obtained from the Commission office at a rate of \$.10 per page.



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